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In re Application of
Keith E. Dionne et al.
Application No. 10/814,801
Filed: March 31, 2004
Attorney Docket No. 3139-6349.1US

OFFICE OF PETITIONS

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: DECISION ACCORDING STATUS
: UNDER 37 CFR 1.47(a)
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This decision is in response to the request for reconsideration petition filed March 7, 2005, under 37 CFR 1.47(a), in response to the decision mailed January 5, 2005, dismissing the petition filed December 14, 2004.

The petition is **GRANTED**.

The above-identified application was filed on March 31, 2004, naming Keith E. Dionne, Robert Mosbauer, Craig R. Davis and John R. Peery, but without a signed declaration. Accordingly, on June 14, 2004, a "Notice To File Missing Parts of Application" was mailed, requiring *inter alia* a properly executed oath or declaration. In response, a petition was filed December 14, 2004 with a request for a four month extension of time and the oath and declaration signed by inventors Dionne, Davis and Peery only. The petition was dismissed January 6, 2005, the petition was dismissed because the petitioners failed to show that a complete application had been sent to non-signing inventor Mosbauer.

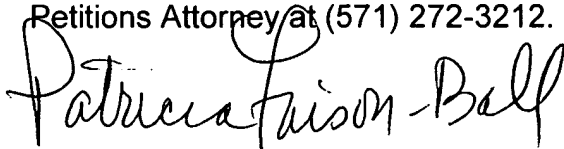
A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

In response to the decision dismissing the petition filed December 14, 2004, the instant petition shows that a complete application has been sent to non-signing inventor Robert Mosbauer and that he has, by his actions, refused to cooperate with the filing of the instant application.

All requirements under 37 CFR 1.47(a) therefore having been met, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

This matter is being referred to Technology Center 1615 for further examination in due course.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

A handwritten signature in black ink that reads "Patricia Faison-Ball". The signature is written in a cursive, flowing style with a large initial "P".

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions